

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:09cr3050
)	
Plaintiff,)	
)	
vs.)	ORDER OF CONTINUANCE
)	
JOSE ARTIAGA,)	
)	
Defendant.)	

The defendant has filed a Motion to Continue Trial, filing 19, and a Waiver of Speedy Trial, filing 20, dated July 31, 2009. Counsel for the defendant states that on July 18, 2009, he “received additional discovery documents from the government.” and he “requires additional time to review the evidence with the defendant, conduct investigation, interview witnesses and conduct legal research in order to determine whether the case should proceed to trial.”

I find that under the provisions of 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv) failure to grant a continuance in the trial would be likely to make a continuation of such trial impossible, or would be likely to result in a miscarriage of justice and that failure to grant a continuance would deny the defendant reasonable time for effective preparation by the defense counsel, taking into account the exercise of due diligence. The ends of justice would be served by granting the continuance and the interests in granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT THEREFORE IS ORDERED that the Motion to Continue Trial, filing 19, is granted and trial is continued to October 13, 2009, at 9:00 a.m., with jury selection at commencement. The time between the date of this order and October 13, 2009, will be excludable under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

Dated August 3, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge